

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

MAY 31 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Respondent,)	2 CA-CR 2007-0008-PR
)	DEPARTMENT A
v.)	
)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
JUNIES A. JENKINS,)	Rule 111, Rules of
)	the Supreme Court
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-19898

Honorable Charles V. Harrington, Judge

REVIEW GRANTED; RELIEF DENIED

Junies A. Jenkins

Buckeye
In Propria Persona

P E L A N D E R, Chief Judge.

¶1 Following a 1987 jury trial, petitioner Junies Jenkins was convicted of child molestation and attempted child molestation, both dangerous crimes against children. The trial court sentenced him in December 1987 to mitigated, consecutive prison terms totaling twenty-eight years, and this court affirmed the convictions and sentences on appeal. *State v. Jenkins*, No. 2 CA-CR 1987-0605 (memorandum decision filed Nov. 10, 1988). Jenkins

has subsequently filed in the trial court a number of post-conviction petitions pursuant to Rule 32, Ariz. R. Crim. P., 17 A.R.S., and has unsuccessfully sought appellate review twice before. *State v. Jenkins*, No. 2 CA-CR 1995-0044-PR (order of dismissal filed Feb. 2, 1995); *State v. Jenkins*, No. 2 CA-CR 1991-0733-PR (order denying review filed Nov. 27, 1991).¹

¶2 In September 2006, Jenkins filed another notice of and petition for post-conviction relief. The trial court dismissed the petition, finding Jenkins had failed to demonstrate for purposes of Rule 32.2(b) why the claims raised in his latest successive petition were not precluded. The trial court further found that, to the extent Jenkins was claiming as newly discovered evidence his allegation that he had been “chemically castrated” by Agent Orange during the Vietnam war and was thus physically incapable of committing child molestation, Jenkins had not satisfied the criteria of Rule 32.1(e) for newly discovered evidence.

¶3 Jenkins then filed in this court a “Petition For Special Action Ex Parte Injunctive Relief,” which we treated as the petition for review permitted by Rule 32.9(c). Six weeks later, he filed a document called “Appellant’s Opening Brief,” which we view as a supplement to the petition for review. We do not disturb a trial court’s granting or denial

¹He has also apparently filed a number of civil actions in state and federal courts. Attachments to his petition for post-conviction relief below identify at least six such actions.

of post-conviction relief absent a clear abuse of the court’s discretion, *State v. Watton*, 164 Ariz. 323, 325, 793 P.2d 80, 82 (1990), and we find no abuse here.

¶4 In his “Petition For Special Action,” Jenkins alleges bias and “invidious discrimination” by the trial court based on Jenkins’s status as “an alle[]ged convicted sex-offender (of the worst kind),” and he claims his convictions were the result of a “conspiracy that extended all the way back to 1987.” Jenkins contends that the trial court’s summary dismissal of his petition for post-conviction relief was both a denial of due process and evidence of a continuing conspiracy to conceal evidence of violations of the Arizona Code of Judicial Conduct, Rule 81, Ariz. R. Sup. Ct., 17A A.R.S. However, we cannot concisely summarize or even characterize the many, disparate contentions in Jenkins’s supplemental memorandum (“Appellant’s Opening Brief”) because we do not understand them.

¶5 Clearly neither of the documents we are treating as Jenkins’s petition for review satisfies the requirements of Rule 32.9 by setting forth concise statements of the particular issues decided by the trial court that Jenkins wants us to review. After several readings of both documents Jenkins has filed, we can find nothing squarely addressing the narrow issue of preclusion—the ground on which the trial court summarily dismissed the petition below—or explaining why the claims Jenkins seeks to raise now could not have been presented previously, either on appeal or in any of his earlier post-conviction proceedings. Jenkins has failed to show that the trial court abused its discretion in finding his claims precluded under Rule 32.2(b).

¶6 Because the trial court has clearly identified, adequately analyzed, and correctly resolved Jenkins’s claim below, we need not parse or belabor its ruling. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court[’s] rehashing the trial court’s correct ruling in a written decision”). Finding no abuse of the trial court’s discretion in summarily denying post-conviction relief, we grant review but deny relief.

JOHN PELANDER, Chief Judge

CONCURRING:

JOSEPH W. HOWARD, Presiding Judge

GARYE L. VÁSQUEZ, Judge